THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.27268 of 1998
Date: 19-07-2007

Between:
Sankarlal Gupta

Petitioner

And

M/s. East Coast Commercial Co., Ltd.,
rep. by it's General Manager,
Cantonment, Vizianagaram and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.27268 of 1998

ORDER:

1. Sri A.S.Rama Sarma represents on behalf of the writ petitioner.

2. The first respondent is M/s. East Coast Commercial Company Limited and it passed order on 05-09-2998 subjecting the writ petitioner to transfer from one of units at Vizianagram to it's branch Depot at Ahmadabad. It is not comprehensible as to how the present writ petition instituted against a private company is maintainable. When the learned counsel for the petitioner Sri A.S.Rama Sarma has been questioned as to the maintainability of the above writ petition, the answer furnished is that senior counsel Sri A.Srinivasa Sarma has filed this writ petition and therefore, this writ petition becomes maintainable. I do concede my inability to comprehend the answer and therefore, I cannot hold that the writ petition is maintainable against a private company, without it being demonstrated in any manner that it answers the description of "State" as is found in Article 12 of our constitution.

3. For this reason, the writ petition is dismissed, but however, taking a compassionate view, I do not wish to mulct the petitioner with costs.

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NOOTY RAMAMOHANA

RAO,J

19-07-2007
Stp